

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

CLEVELAND WINSTON KILGORE, JR.

PETITIONER

VERSUS

CIVIL ACTION NO. 5:13-cv-227-DCB-MTP

S.P. FISHER

RESPONDENT

ORDER

This matter is before the court on petitioner's motion [10] for leave to request arrest and seizure of maritime attachment and garnishment pursuant to Rule 64 filed June 16, 2014. Having reviewed the motion [10] as well as the record, the court finds that the motion [10] will be denied for the following reason.

The court dismissed the instant civil action with prejudice on January 7, 2014. See J. [9]. This case has not been re-opened and remains closed. As such, this court is without jurisdictional bases to consider the merits of petitioner's motion [10]. See *Clay v. Johnson*, Appeal No. 10-60031 (5th Cir. Oct. 6, 2010)(citing *United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994) (holding that a motion filed in a closed case is to be considered "a meaningless, unauthorized motion")). Thus, there are no jurisdictional bases for petitioner filing the instant motion [10] and as such, it is denied. See *id.* Accordingly, it is

ORDERED AND ADJUDGED that the motion [10] is **denied**.

This the 24th day of June, 2014.

s/David Bramlette
UNITED STATES DISTRICT JUDGE